

E-FILED on 4/5/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPH R. BANISTER,

Petitioner,

10

UNITED STATES OF AMERICA,

## Respondent.

| No. C-06-80028 RMW

## ORDER DISMISSING ACTION

**[Re Docket Nos. 1, 5]**

19 Since the United States has reportedly withdrawn the summons issued, there is no longer  
20 anything for this court to quash. Therefore, the action is dismissed. If plaintiff contends that the  
21 Internal Revenue Service has not withdrawn its summons as represented, it may ask that this matter  
22 be reinstated.

The clerk may close the file.

DATED: 4/5/06

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge

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12 Counsel are responsible for distributing copies of this document to co-counsel that have not  
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Dated: 4/5/06

/s/ JH  
**Chambers of Judge Whyte**